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10 Attorneys for Shady Bird Lending, LLC

11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

13 In re

14 THE SOURCE HOTEL, LLC,

15 Debtor.

16 Case No. 8:21-bk-10525-ES

17 Chapter 11

18 **AMENDED NOTICE OF MOTION OF
SHADY BIRD LENDING, LLC FOR
ORDER EXCUSING STATE COURT
RECEIVER FROM TURNOVER OF
ASSETS PURSUANT TO 11 U.S.C. § 543**

19 DATE: April 15, 2021

20 TIME: 10:30 a.m.

PLACE: Courtroom "5A"

1 **TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTOR, AND ALL OTHER**
3 **INTERESTED PARTIES:**

4 **PLEASE TAKE NOTICE** that Shady Bird Lending, LLC ("Shady Bird") has
5 concurrently caused to be filed its "Motion of Shady Bird Lending, LLC for Order Excusing
6 State Court Receiver From Turnover of Assets Pursuant to 11 U.S.C. § 543;
7 Memorandum of Points and Authorities; Declarations of Ronald Richards, Bellann R.
8 Raile, and Brent Little in Support Thereof" (the "Motion"), through which Shady Bird, the
9 holder of the senior deed of trust on the real property bearing APN Nos. 276-361-20 and
10 276-361-22, consisting of a partially constructed 178-room, seven story hotel building
11 located in Buena Park, California (the "Project") owned by the debtor The Source Hotel,
12 LLC (the "Debtor"), seeks an order, among other things, excusing the state court receiver
13 from turnover of the Debtor's assets, including the Property, and authorizing the state
14 court receiver, on an interim basis, to take the steps necessary and appropriate to
15 preserve and protect the assets of the Debtor pursuant to 11 U.S.C. § 543(d)(1).

16 **PLEASE TAKE FURTHER NOTICE** that a hearing on the Motion shall take
17 place on April 15, 2021, at 10:30 a.m., Pacific Time, or as soon thereafter as the matter
18 may be heard, in Courtroom "5A" of the above-entitled Court, located at 411 W. 4th
19 Street, Santa Ana, California 92703, before the Honorable Erithe Smith, United States
20 Bankruptcy Judge, presiding.

21 **PLEASE TAKE FURTHER NOTICE** that, until further notice, because of
22 the COVID-19 pandemic, all of the Court's hearings shall be conducted using ZoomGov
23 audio and video. Parties in interest and members of the public may connect to the video
24 and audio feeds, free of charge, using the connection information provided below:

25 Individuals may participate by ZoomGov video and audio
26 using a personal computer (equipped with camera,
27 microphone and speaker), or a handheld mobile device
28 (such as an iPhone or Android phone). Individuals may opt

1 to participate by audio only using a telephone (standard
2 telephone charges may apply). Neither a Zoom nor a
3 ZoomGov account is necessary to participate and no pre-
4 registration is required. The audio portion of each hearing
5 will be recorded electronically by the Court and constitutes
6 its official record.

7 Meeting URL: <https://cacb.zoomgov.com/j/1607310868>

8 Meeting ID: 160 731 0868

9 Password: 073715

10 Telephone conference lines: 1-(669)-254-5252 or 1-(646)-
11 828-7666.

12 **PLEASE TAKE FURTHER NOTICE** that the Motion is based on this notice,
13 the Motion, the memorandum of points and authorities and declarations of Ronald
14 Richards, Bellann R. Raile, and Brent Little in support thereof, the pleadings filed in the
15 Debtor's cases, all judicially noticeable facts, the arguments and representations of
16 counsel, and any oral or documentary evidence presented prior to or at the scheduled
17 hearing.

18 **PLEASE TAKE FURTHER NOTICE** that if a party is interested in receiving
19 a copy of the Motion, they should submit a written request to counsel for Shady Bird:
20 Daniel A. Lev, Esq., **SulmeyerKupetz, A Professional Corporation**, 333 South Grand
21 Avenue, Suite 3400, Los Angeles, California 90071, (213) 626-2311,
22 dlev@sulmeyerlaw.com and Ronald Richards, Esq., Law Offices of Ronald Richards &
23 Associates, APC, P.O. Box 11480, Beverly Hills, California 90213, (310) 556-1001,
24 ron@ronaldrichards.com.

25 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy
26 Rule 9013-1(f), any party opposing the relief requested in the Motion must file and serve
27 a written opposition no later than fourteen (14) days prior to the scheduled hearing on the
28 Motion.

1 **PLEASE TAKE FURTHER NOTICE** that copies of any timely filed
2 opposition must be served upon Shady Bird's counsel of record as set forth on the first
3 page of this Motion.

4 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy
5 Rule 9013-1(h), the failure to timely file and serve an opposition to the Motion in
6 accordance herewith may be deemed by the Court to be consent to the relief requested
7 in the Motion.

8 DATED: March 25, 2021

SulmeyerKupetz
A Professional Corporation

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By: /s/ Daniel A. Lev
Daniel A. Lev
Attorneys for Shady Bird Lending, LLC

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DATED: March 25, 2021 Law Offices of Ronald Richards & Associates, APC

By: /s/ Ronald Richards
Ronald Richards
Attorneys for Shady Bird Lending, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): AMENDED NOTICE OF MOTION OF SHADY BIRD LENDING, LLC FOR ORDER EXCUSING STATE COURT RECEIVER FROM TURNOVER OF ASSETS PURSUANT TO 11 U.S.C. § 543 will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) March 25, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) March 25, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

The Source Hotel, LLC
6988 Beach Blvd, Suite B-215
Buena Park, CA 90621-6822

Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) March 18, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 25, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Ron Bender on behalf of Debtor The Source Hotel, LLC
rb@lnbyb.com

Michael G Fletcher on behalf of Creditor Evertrust bank
mfletcher@frandzel.com, sking@frandzel.com

Nancy S Goldenberg on behalf of U.S. Trustee United States Trustee (SA)
nancy.goldenberg@usdoj.gov

Daniel A Lev on behalf of Creditor Shady Bird Lending, LLC
dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com

Daniel A Lev on behalf of Interested Party Courtesy NEF
dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com

Grant A Nigolian on behalf of Interested Party Courtesy NEF
grant@gnpclaw.com, process@gnpclaw.com;grant.nigolian@gmail.com

Juliet Y Oh on behalf of Debtor The Source Hotel, LLC
jyo@lnbrb.com, jyo@lnbrb.com

Ho-El Park on behalf of Interested Party Courtesy NEF
hpark@hparklaw.com

Ronald N Richards on behalf of Interested Party Courtesy NEF
ron@ronaldrichards.com, morani@ronaldrichards.com

United States Trustee (SA)
ustpregion16.sa.ecf@usdoj.gov

All Creditors

Evertrust Bank
c/o Frandzel Robins Bloom & Csato,
L.C.
1000 Wilshire Boulevard, 19th Floor
Los Angeles, CA 90017-2457

3D Design - Millwork
8152 Indianapolis Ave.
Huntington Beach, CA 92646-5008

AT&T
P.O. Box 5025
Carol Stream, IL 60197-5025

Ace Tek Roofing Co.
747 S. Ardmore Ave., Suite 405
Los Angeles, CA 90005-2489

All Area Plumbing
6265 San Fernando Road
Glendale, CA 91201-2214

American Engineering Laboratories
Inc.
PO Box 1816
Whittier, CA 90609-1816

Aragon Construction, Inc.
5440 Arrow Highway
Montclair, CA 91763-1604

Beach Orangethorpe II, LLC
P.O. Box 489
Buena Park, CA 90621-0489

Beach Orangethorpe III, LLC
P.O. Box 489
Buena Park, CA 90621-0489

Beach Orangethorpe, LLC
P.O. Box 489
Buena Park, CA 90621-0489

Beachamp Distributing Co.
1911 South Santa Fe Avenue
Compton, CA 90221-5306

Best Quality Painting
818 N. Pacific Ave., #C
Glendale, CA 91203-3633

Cabrillo Hoist
P.O. Box 3179
Rancho Cucamonga, CA 91729-
3179

Certified Tile
14557 Calvert St.
Van Nuys, CA 91411-2806

JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE
TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Chefs Toys
18430 Pacific Street
Fountain Valley, CA 92708-7005

DKY Architects
15375 Barranca Pkwy.
Suite A-210
Irvine, CA 92618-2230

Diablo Consulting
13200 Crossroads Parkway N
Ste. 115
City of Industry, CA 91746-3480

Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Evergreen Electric Construction Inc.
629 Grove View Lane
La Canada, CA 91011-2635

Ficcadenti Waggoner
16969 Von Karman Avenue
Suite 240
Irvine, CA 92606-4944

Franchise Tax Board
Bankruptcy Section, MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

Request for Special Notice
Grant Nigolian, P.C.
695 Town Center Drive, Suite 700
Costa Mesa, CA 92626-7187

HBA Procurement, Inc.
3216 Nebraska Ave.
Santa Monica, CA 90404-4214

Harbor All Glass & Mirror, Inc.
1926 Placentia Ave.
Costa Mesa, CA 92627-3496

Hunt Ortmann Palffy Nieves et al.
301 North Lake Avenue, 7th Floor
Pasadena, CA 91101-5118

Internal Revenue Service IRS
P.O. Box 7346
Philadelphia, PA 19101-7346

Interstate Management Company,
LLC
4501 North Fairfax Drive
Suite 500
Arlington, VA 22203-1668

Iron Mechanical
721 North B Street
Suite 100
Sacramento, CA 95811-0347

KS Steel Corp.
1748 Industrial Way
Los Angeles, CA 90023

Kim & Lee, LLP
2305 W 190th St
Torrance, CA 90504-6005

L2 Specialties
3613 W. Macarthur Blvd., #611
Santa Ana, CA 92704-6846

Law Office of Ho-El Park, P.C.
333 City Blvd. West, Suite 1700
Orange, CA 92868-5905

Law Office of Michael N. Berke
25001 The Old Road
Santa Clara, CA 91381-2252

Law Offices of Dennis G. Cocco
345 Oxford Drive
Arcadia, CA 91007-2642

LimNexus, LLP
707 Wilshire Blvd., 46th Floor
Los Angeles, CA 90017-3612

LOS ANGELES COUNTY
TREASURER AND TAX
COLLECTOR
ATTN BANKRUPTCY UNIT
PO BOX 54110
LOS ANGELES CA 90054-0110

Master Glass
2225 W. Pico Blvd. Unit C
Los Angeles, CA 90006-4865

Mirae Construction, Co.
2222 S. Broadway
Los Angeles, CA 90007-1434

Morrow Meadows
231 Benton Court
City of Industry, CA 91789-5213

Nemo & Rami
1930 W. Holt Ave.
Pomona, CA 91768-3351

Newgens, Inc.
14241 Foster Rd.
La Mirada, CA 90638-2852

Northstar
404 North Berry Street
Brea, CA 92821-3104

OJ Insulation LP
600 S Vincent Ave.
Azusa, CA 91702-5145

OMB Electrical Engineers, Inc.
8825 Research Drive
Irvine, CA 92618-4236

PDG Wallcoverings
26492 Via Juanita
Mission Viejo, CA 92691-1954

Pan Pacific
18250 Euclid Street
Fountain Valley, CA 92708-6112

Porter Law Group, Inc.
7801 Folsom Blvd., Suite 101
Sacramento, CA 95826-2619

Prime Concrete Coatings
6127 James Alan St.
Cypress, CA 90630-3929

Resco Electric Inc.
2431 W. Washington Blvd. Suite B
Los Angeles, CA 90018-1451

Retrolock Corp
17915 Railroad Street
City of Industry, CA 91748-1113

Robinson & Robinson, LLP
2301 Dupont Drive, Suite 530
Irvine, CA 92612-7502

Salamander Fire Protection, Inc
6103 Tyrone Street
Van Nuys, CA 91401-3425

Shady Bird Lending, LLC
c/o Law Offices of Ronald Richards
P.O. Box 11480
Beverly Hills, CA 90213-4480

Shady Bird Lending, LLC
c/o Law Offices of Geoffrey Long
1601 N. Sepulveda Blvd., No. 729
Manhattan Beach, CA 90266-5111

Sky Rider Equipment Co., Inc.
1180 North Blue Gum Street
Anaheim, CA 92806-2409

So. Cal. Edison Co.
P.O. Box 600
Rosemead, CA 91771-0001

Solid Construction Company, Inc.
883 Crenshaw Blvd.
Los Angeles, CA 90005-3650

Splinter & Thai, LLP
25124 Narbonne Ave., Suite 106
Lomita, CA 90717-2140

State Board of Equalization
Account Info Group, MIC:29
P.O. Box 942879
Sacramento, CA 94279-0029

Stumbaugh & Associates, Inc.
3303 N. San Fernando Blvd
Burbank, CA 91504-2531

Sunbelt Controls, Inc.
888 E. Walnut Street
Pasadena, CA 91101-1895

Universal Flooring Systems
15573 Commerce Lane
Huntington Beach, CA 92649-1601

WESCO Distribution Inc.
6251 Knott Ave.
Buena Park, CA 90620-1010